

Message Text

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PAGE 01 STATE 007095
ORIGIN AF-08

INFO OCT-01 ISO-00 ONY-00 /009 R

DRAFTED BY AF/E:RSPST:JJ
APPROVED BY AF:WESCHAUFEELE
A/AID:JEMURPHY
AF/EPS:RBDUNCAN
AF:DBBOLEN
AF/I:JWHITING
DESIRED DISTRIBUTION
AF ONLY

-----122257Z 022909 /70

P 122209Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY LILONGWE PRIORITY

C O N F I D E N T I A L STATE 007095

FOR AMB. STEVENSON ONLY, FROM ASST. SECY SCHAUFEELE

E.O. 11652: XGDS-3

TAGS: SHUM, MASS, EAID, MI, US

SUBJECT: ASSISTANCE TO MALAWI

REF: A. LILONGWE 30; B. STATE 301108

1. IN APPROACHING SUBJECT OF AID TO MALAWI IN CONTEXT OF
AID TO OTHER COUNTRIES IN SOUTHERN AFRICA, WE STARTED FROM
THE ASSUMPTION THAT CONTINUED US SUPPORT FOR THE BUNDA PRO-
JECT WAS DESIRABLE BOTH BECAUSE THE PROJECT IN ITSELF IS
RESPONSIVE TO THE DEVELOPMENTAL OBJECTIVES OF AID AND THE
CONGRESSIONAL MANDATE AND BECAUSE IT WAS DESIRABLE FROM THE
POINT OF VIEW OF US-MALAWI BILATERAL RELATIONS THAT IT BE
CONTINUED. THE PROBLEM THEN WAS TO DETERMINE HOW BEST TO
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PROCEED WITH OUR CONTINUED SUPPORT FOR BUNDA.

2. WE FIRST INTENDED TO INCLUDE MALAWI IN THE SECURITY
SUPPORTING ASSISTANCE (SSA) REGIONAL PROGRAM FOR SOUTHERN
AFRICAN WHICH WAS DESIGNED TO PROVIDE A MEANS TO DEAL WITH
ANY POSSIBLE CONTINGENCIES RESULTING FROM POLITICAL DEVELOP-
MENTS IN THE REGION. WE HAD AT THE TIME SOME RESERVATIONS:

THE LIKELIHOOD THAT MALAWI, IN CONTRAST TO OTHER COUNTRIES IN SOUTHERN AFRICA, WOULD REMAIN RELATIVELY UNSCATHED BY POLITICAL DEVELOPMENTS THERE; THE PROBABILITY THAT THE ONLY

ASSISTANCE WHICH WOULD BE REQUIRED FOR MALAWI IN FY 1978 WOULD BE FOR THE BUNDA PROJECT WHICH DEMONSTRABLY FITS THE CONGRESSIONAL MANDATE FOR DEVELOPMENT ASSISTANCE (DA) AND THEREFORE DOES NOT REQUIRE SSA FLEXIBILITY; THE FACT THAT THE BUNDA PROJECT HAS BEEN A DA PROJECT AND THAT THERE IS NO SPECIFIC REASON PER SE FOR TRANSFERRING IT TO SSA. WE NONETHELESS PROCEEDED TO DRAFT AND TRANSMIT TO YOU FOR COMMENT THE HUMAN RIGHTS STATEMENT REQUIRED BY LAW TO BE SUBMITTED TO CONGRESS FOR SSA-RECIPIENT COUNTRIES (REF. B).

3. AFTER DETAILED CONSIDERATION OF BOTH THAT INITIAL DRAFT STATEMENT, AND YOUR REVISIONS THERETO, WE IN AF CONCLUDED THAT MALAWI'S HUMAN RIGHTS RECORD COULD STIR CONGRESSIONAL CRITICISM OF ANY AID TO THE COUNTRY AND COULD RESULT IN A FINDING BY CONGRESS THAT UNDER SECTION 502 OF THE FAA SSA FOR MALAWI SHOULD BE PRECLUDED. WE FURTHER CONCLUDED THAT SUCH A FINDING COULD IMPACT ADVERSELY ON THE ENTIRE SSA REQUEST. WE CAME ADDITIONALLY TO THE JUDGMENT THAT THE SUBMISSION OF THE REQUIRED SSA HUMAN RIGHTS STATEMENT ON MALAWI, WHICH WOULD BE PUBLIC, MIGHT RESULT IN AN ADVERSE REACTION FROM THE GOM WHICH WOULD BE DAMAGING TO OUR BILATERAL RELATIONS. YOU MAY HAVE READ OF THE VIOLENT REACTION FROM PHILLIPINE PRESIDENT MARCOS WHICH RESULTED FROM PUBLIC RELEASE OF A HUMAN RIGHTS STATEMENT ON THE PHILIPPINES; THIS TENDS TO STRENGTHEN OUR CONVICTION
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THAT A SIMILAR RESULT COULD BE CAUSED BY THE ISSUANCE OF SUCH A STATEMENT ON MALAWI.

4. WE THEREFORE CONCLUDED THAT DA, FOR WHICH A HUMAN RIGHTS CRITERION NEED NOT BE MET, WAS THE ONLY MECHANISM AVAILABLE UNDER WHICH MALAWI COULD QUALIFY FOR US ASSISTANCE FUNDS AND THEREFORE THE ONLY ROUTE AVAILABLE TO US FOR CONTINUING SUPPORT FOR BUNDA. WE CONSIDERED THE POSSIBILITY OF INCLUDING A DA PROGRAM FOR MALAWI IN THE FY 78 PRESENTATION. THIS WOULD HAVE BEEN ENTIRELY JUSTIFIABLE FROM THE STANDPOINT OF THE CONGRESSIONAL MANDATE FOR DA, THE CONTINUITY OF FUNDING FOR BUNDA, AND THE FACT THAT THE BUNDA PROJECT DID NOT DEVELOP IN RESPONSE TO SOUTHERN AFRICAN POLITICAL DEVELOPMENTS NECESSITATING SSA FINANCING. IT HAD THE DISADVANTAGE OF HIGHLIGHTING DIFFERENTIAL TREATMENT FOR MALAWI COMPARED WITH ALL OTHER AIDED COUNTRIES IN THE SOUTHERN AFRICAN REGION AND THEREFORE COULD PROVOKE CONGRESSIONAL AND PUBLIC DISCUSSION OF MALAWI, INCLUDING ITS HUMAN RIGHTS RECORD, WITH POSSIBLE

REPERCUSSIONS ON US-MALAWI BILATERAL RELATIONS. AID THERE-
UPON CAME UP WITH THE SUGGESTION THAT FULL FUNDING FOR
BUNDA COULD BE ACHIEVED BY REPROGRAMMING AVAILABLE FY 77
FUNDS TO COVER REQUIREMENTS ORIGINALLY FORESEEN FOR FY 78

AND 79. FY 77 DA FINANCING FOR THE FULL PROJECT WOULD
ALSO SOLVE CERTAIN COST OVERRUN AND CHANGED SPECIFICATION
PROBLEMS AND WOULD BE BUREAUCRATICALLY THE MOST EFFICIENT
AND EXPEDITIOUS METHOD OF COMPLETING THE PROJECT.

5. THE INTENTION HERE WAS NOT TO DECEIVE CONGRESS. INDEED
WE HAVE ALREADY GIVEN SEVERAL CONGRESSIONAL OFFICES FULL
BRIEFINGS ON THE HUMAN RIGHTS SITUATION IN MALAWI IN RE-
SPONSE TO CONSTITUENT-STIMULATED INQUIRIES ABOUT THE SUIT-
ABILITY OF MALAWI FOR US AID; OUR CONGRESSIONAL INTER-
LOCUTORS HAVE BEEN SATISFIED THAT THE HUMANITARIAN PURPOSES
OF OUR PROGRAMS JUSTIFY THEIR CONTINUANCE DESPITE THE
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MALAWI HUMAN RIGHTS RECORD. RATHER OUR INTENTION WAS TO
UTILIZE A TYPE OF ASSISTANCE FOR FINANCING BUNDA FOR WHICH
MALAWI WAS CLEARLY ELIGIBLE AND WOULD REMAIN ELIGIBLE IN
PREFERENCE TO ONE FOR WHICH IT MIGHT NOT BE ELIGIBLE AND
WHICH RISKED POTENTIAL DAMAGE TO OUR OVERALL BILATERAL
RELATIONS. OUR AIM REMAINS TO HELP THE "NEEDY PEOPLE" OF
MALAWI THROUGH THE BUNDA PROJECT AND TO AVOID PUBLIC
RECRIMINATIONS ABOUT MALAWI'S HUMAN RIGHTS PRACTICES. YOUR
SUGGESTION THAT WE TALK TO KEY CONGRESSIONAL CONTACTS IS
ONE WE ARE PERFECTLY PREPARED TO CONTINUE TO IMPLEMENT IN
ORDER TO PROVIDE A CANDID BUT INFORMAL AND PRIVATE EXPOSI-
TION OF THE MALAWI HUMAN RIGHTS SITUATION. THE POSSIBILITY
OF SUCH A DISCUSSION REMAINING PRIVATE IS ENHANCED UNDER
THE OPTION OF FULL FUNDING FOR BUNDA FROM FY 77 DA FUNDS,
WHICH IS ALSO DESIRABLE FOR ADMINISTRATIVE REASONS MENTION-
ED ABOVE. IT IS NOT POSSIBLE FOR SUCH A DISCUSSION TO RE-
MAIN PRIVATE UNDER THE LEGAL REQUIREMENTS GOVERNING A SSA
SUBMISSION.

6. I HOPE THE FOREGOING RESOLVES YOUR DOUBTS ABOUT OUR
INTENDED MANNER OF PROCEEDING.
KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, FOREIGN ASSISTANCE, LEGISLATIVE RELATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 12-Jan-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE007095
Document Source: CORE
Document Unique ID: 00
Drafter: RSP0ST:JJ
Enclosure: n/a
Executive Order: X3
Errors: N/A
Expiration:
Film Number: D770012-0556
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770158/aaaabyjc.tel
Line Count: 161
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0f4c70da-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 LILONGWE 30, 77 STATE 301108
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3612469
Secure: OPEN
Status: NATIVE
Subject: ASSISTANCE TO MALAWI
TAGS: SHUM, MASS, EAID, MI, US
To: LILONGWE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/0f4c70da-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009